

Chief Magistrate Judge Theresa L. Fricke

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MOHAMED ELTOHAMY,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*,¹

Defendants.

Case No. 2:25-cv-00745-TLF

STIPULATED MOTION TO HOLD
CASE IN ABEYANCE AND
~~PROPOSED~~ ORDER

Noted for Consideration:
April 24, 2025

For good cause, Plaintiff and Defendants, by and through their counsel of record, pursuant to Federal Rule of Civil Procedure 6 and Local Rules 7(d)(1), 10(g) and 16, hereby jointly stipulate and move to stay these proceedings until October 23, 2025. Plaintiff brought this litigation pursuant to the Administrative Procedure Act and Mandamus Act seeking, *inter alia*, to compel the U.S. Citizenship and Immigration Services (“USCIS”) adjudicate Plaintiff’s Form I-589, Application for Asylum and Withholding of Removal. Defendants’ response to the

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Defendants substitute Department of Homeland Security (“DHS”) Secretary Kristi Noem for former Secretary Alejandro Mayorkas, Senior Official Performing the Duties of the Director Kika Scott for Ur Mendoza Jaddou, Director of the San Francisco Asylum Field Office Ron Rosenberg for Emilia Bardini, Director of the Federal Bureau of Investigation Kash Patel for Christopher A Wray, U.S. Attorney General Pamela Bondi for Merrick Garland and U.S. Attorney for the District of Columbia Edward R. Martin, Jr for Matthew M. Graves.

1 Complaint is currently due on May 14, 2025. The parties are currently working towards a
2 resolution to this litigation.

3 Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706
4 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to
5 control the disposition of the causes on its docket with economy of time and effort for itself, for
6 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R. Civ.
7 P. 1.

8 With additional time, this case may be resolved without the need of further judicial
9 intervention. USCIS has scheduled Plaintiff’s asylum interview for June 25, 2025. USCIS
10 agrees to diligently work towards completing the adjudication within 120 days of the interview,
11 absent unforeseen or exceptional circumstances that would require additional time for
12 adjudication. If the adjudication is not completed within that time, USCIS will provide a status
13 report to the Court. Plaintiff will submit all supplemental documents and evidence, if any, to
14 USCIS seven to ten days prior to the interview date. Plaintiff recognizes that failure to submit
15 documents prior to the interview may require the interview to be rescheduled and the
16 adjudication delayed. If needed, Plaintiff will bring an interpreter to the interview, otherwise the
17 interview will need to be rescheduled and the adjudication delayed. Once the application is
18 adjudicated, Plaintiff will dismiss the case with each party to bear their own litigation costs and
19 attorneys’ fees. Accordingly, the parties request this abeyance to allow USCIS to conduct
20 Plaintiff’s asylum interview and then process his asylum application.

21 As additional time is necessary for this to occur, the parties request that the Court hold
22 the case in abeyance until October 23, 2025. The parties will submit a status report on or before
23 October 23, 2025.

24 //

1 DATED this 24th day of April, 2025.

2 Respectfully submitted,

3 TEAL LUTHY MILLER
Acting United States Attorney

ELSHARNOBY & ASSOCIATES, P.C.

4 s/ Michelle R. Lambert

s/ Daniel J. Porcerelli

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10 *Attorneys for Defendants*

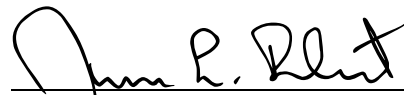
11 *I certify that this memorandum contains 383*
12 *words, in compliance with the Local Civil Rules.*

~~PROPOSED~~ ORDER

The case, including all interim deadlines, is held in abeyance until October 23, 2025.

The parties shall submit a status report on or before October 23, 2025. It is so **ORDERED**.

DATED this 7th day of May, 2025.

A handwritten signature in black ink, appearing to read "James L. Robart", is written over a horizontal line.

JAMES L. ROBART
United States District Judge